



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,530	04/24/2000	Gregory T. Osterhout	Nort-0042-US(11627RRUS01U	7957

21906 7590 09/29/2003

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER

EMDADI, KAMRAN

ART UNIT	PAPER NUMBER
----------	--------------

2667

DATE MAILED: 09/29/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,530

Applicant(s)

OSTERHOUT ET AL.

Examiner

Kamran Emdadi

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
3. Claims 1-3, 6-11, 14, 15, 17, 18, 22-27, 30-32, 34 and 37-40, are rejected under 35 U.S.C. 102(e) as being anticipated by Donovan et al. (US Patent No. 6453034).
 - Regarding claims 1-3, 14, 15, 17, 18, 23, 32, 34 and 37-40, Donovan teaches: a network with bi-directional communication between two peripheral devices 53 and 43 such that protocol translation takes place from a first protocol (SS7 ISDN or CAS) to a second protocol (SIP) or alternately (H.323) (Col 3, lines 5-15), and bi-directional translation for the real-time voice data via a signaling gateway 63 and a media gateway 65 (Col 3, lines 25-30), with a first device EG 61 accepting the information (Col 4, lines 5-8) and the translation is controlled by a controlling

configuration for translation including a signaling gateway 63, media gateway 65, signaling gateway 57, and media gateway 59 (Col 3, lines 25-32).

- Regarding claims 6 and 7, it is inherent for a voice communication network to provide a streaming or continuous session in order for the real-time voice data to operate effectively any and all voice networks will provide streaming data and in this particular case the protocol of choice is SIP (Col 3, line 10).
- Regarding claims 8 and 24, Donovan teaches: the peripheral communication device is controlled by sent commands to the peripheral device (Col 3, lines 50-60).
- Regarding claim 9 and 10, Donovan teaches: sending status information and real-time call establishment to the first device (Col 4, lines 5-15).
- Regarding claim 11, Donovan teaches: the first device EG 61 the peripheral device 43 and a third device switch 33, all communicating for the session establishment of a call.
- Regarding claim 22, Donovan teaches: a unique URL for SIP for both the users on the network (Col 3, lines 42-44).
- Regarding claim 25, Donovan teaches: 53 is a remote device and 43 is a peripheral device (Figure 2) both used for a real-time voice session establishment.
- Regarding claim 26, Donovan teaches: the telephony device 53 communicates to a non-telephony device EG 55 and EG 61, which translates the telephony protocol into a protocol for communication (Col 3, lines 35-45).
- Regarding claim 27, Donovan teaches: SIP, (Col 3, line 10).

Art Unit: 2667

- Regarding claim 30, Donovan teaches: Invite SIP (Col 3, lines 40-45).
- Regarding claim 31, Donovan teaches: the non-telephony device EG 61 is performing one or more commands (Col 3, lines 50-53).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 16, 19-21, 28, 29, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. (US Patent No. 6453034) in view of Schuster et al. (US Patent No. 6584490).

- Regarding claims: 4, 5, 16, 19-21, 28, 29, 35 and 36, Donovan teaches: all of the above embodiments except a USB peripheral interface and protocol and a serial and or parallel port interface, a program and storage medium and a busy signal. Schuster teaches: a voice communication device 108 communicating over a data network to another communication voice device 118, and a voice over packet protocol (Col 6, lines 30-43), another voice communication device (peripheral) PID 110 communicating to the network via USB or parallel port RS-232 (Col 7, lines 35-45), a busy signal (Col 16, lines 15-20), a computer program stored in memory for the computer programs used for processing the voice data (Col 6,

lines 65-67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a USB interface for various peripherals and related software and communication attributes necessary for a variety of communication interfaces associated with a voice over data networking environment.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. (US Patent No. 6453034) in view of Laubach et al. (US Patent No. 6081533).
 - Regarding claim: 12 Donovan teaches: all of the above embodiments except a multicast packet receiver for multicast signaling. Laubach teaches: a voice communication packet communication network (Col 4, lines 20-26) with multicasting data packets (Col 8, lines 13-18) as an acceptable means for information reception. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a receiver with the receptive option of multicast packets to enable a different type of data acceptance useful for data network integration efforts.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Ferriere (US Patent No. 6278478) End to End encoding.
 - Hoffberg (US Patent No. 6252544) Mobile communication device.

Art Unit: 2667

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is (703) 305-4899. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached at (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kamran Emdadi

09/15/2003


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 9/21/03